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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN - MODIFIED AND RELATED MOTIONS

Name of Debtor(s): Christopher Neil Allen Kerry Huffman Allen Case No: 11-33598-KRH

This plan, dated **December 19, 2011**, is:

- \Box the *first* Chapter 13 plan filed in this case.
- a modified Plan, which replaces the
 - ■confirmed or □unconfirmed Plan dated 6/2/2011.

Date and Time of Modified Plan Confirming Hearing: January 25, 2012 @ 9:10 a.m.
Place of Modified Plan Confirmation Hearing: 701 E. Broad St., Room 5000, Richmond, VA

The Plan provisions modified by this filing are:

1: Modify plan funding; 4-A: Increase the dividend to the unsecured creditors; 2-B: Provide for priority claims; 3-A: Provide for secured claim

Creditors affected by this modification are: Internal Revenue Service, County of Goochland, Ally, All unsecured creditors

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing. If no objections are timely filed, a confirmation hearing will NOT be held.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$85,621.00

Total Non-Priority Unsecured Debt: \$129,584.00

Total Priority Debt: **\$2,421.50**Total Secured Debt: **\$70,078.08**

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$365.00 Monthly for 6 months, then \$550.00 Monthly for 54 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 31,890.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 2,300.00 balance due of the total fee of \$ 3,000.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority Taxes and certain other debts	Estimated Claim 0.00	Payment and Term Prorata
		3.53	0 months
County of Goochland	Taxes and certain other debts	2,420.50	Prorata
			18 months
Internal Revenue Service	Taxes and certain other debts	1.00	Prorata
			18 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor	Collateral	Purchase Date	Est Debt Bal.	Replacement Value
Ally	Motor Vehicle: 2006 GMC Sierra with	08/2006	12,932.81	19,300.00
	approximately 108,000 miles			
Ally	Motor Vehicle: 2004 GMC Envoy with	07/2008	5,145.27	5,800.00
	approximately 140,000 miles			

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor	Collateral Description	Estimated Value	Estimated Total Claim
-NONE-			

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor	Collateral Description	Adeq. Protection Monthly Payment	To Be Paid By
Ally	Motor Vehicle: 2006 GMC Sierra with	155.90	Trustee
Ally	approximately 108,000 miles Motor Vehicle: 2004 GMC Envoy with approximately 140,000 miles	52.84	Trustee

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Ammor Dol of Doht on Interest

	Creditor	Collateral	"Crammed Down" Value	Rate	Monthly Paymt & Est. Term**
Ally		Motor Vehicle: 2006 GMC Sierra	12,932.81	3.25%	257.76
		with approximately 108,000 miles			54 months
Ally		Motor Vehicle: 2004 GMC Envoy	5,145.27	4.25%	95.34
		with approximately 140,000 miles			60 months

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately ____3
 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately ____0
 %.
- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Commercial Savings	Horse Trailer, joint with mother	660.00	0.00	0%	0 months	

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	Collateral	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u> <u>Type of Contract</u>

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Wichini	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

Monthly

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- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- 10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
 - I. Payment of Adequate Protection
 - All adequate protection payments set forth in Section 3.C are to be paid through the Trustee.
 - The Debtor(s) shall pay regular post-petition contract payments to the creditors listed in Section 5.A., and such payments shall also constitute adequate protection payments to such creditors. Accordingly, the Trustee shall not pay adequate protection payments to creditors listed in Section 5.A.
 - No adequate protection payments are to be paid to any creditors unless the Plan provides for the payment of adequate protection of such claim(s) through the Trustee in Section 3.C. or directly by the Debtor(s) in Section 5.A., or unless the Court orders otherwise.

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Signatures:		
Dated: Dec	ember 19, 2011	
/s/ Christophe	r Neil Allen	/s/ Elizabeth C. Brogan VSB
Christopher No	eil Allen	Elizabeth C. Brogan VSB 76539
Debtor		Debtor's Attorney
/s/ Kerry Huffm		
Kerry Huffman Joint Debtor	Allen	
Exhibits:	Copy of Debtor(s)' Bud Matrix of Parties Serve	d with Plan
		Certificate of Service
I certify attached Service		, I mailed a copy of the foregoing to the creditors and parties in interest on the
		/s/ Elizabeth C. Brogan VSB
		Elizabeth C. Brogan VSB 76539
		Signature
		P.O. Box 11588
		Richmond, VA 23232
		Address
		(804) 358-9900
		Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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Ref (Otti	cial Form 61) (12/07)				
In re	Christopher Neil Allen Kerry Huffman Allen		Case No.	11-33598-KRH	
•		Debtor(s)	_		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - MODIFIED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE					
Married	RELATIONSHIP(S): Daughter		AGE(S): 5 years			
Ela				SPOUSE		
Employment: Occupation	DEBTOR	Horse	e Trainer	SPOUSE		
*	nemployed		Employed			
		201/1999				
Address of Employer		Onice	7 0 17 1333			
Address of Employer						
INCOME: (Estimate of average or pr	ojected monthly income at time case filed)			DEBTOR		SPOUSE
-	ommissions (Prorate if not paid monthly)		\$	0.00	\$	0.00
2. Estimate monthly overtime	ommissions (Fronte in not para monanty)		\$	0.00	\$	0.00
,			· 		· -	
3. SUBTOTAL			\$	0.00	\$	0.00
4. LESS PAYROLL DEDUCTIONS						
a. Payroll taxes and social secur	ity		\$	0.00	\$	0.00
b. Insurance			\$ 	0.00	\$ 	0.00
c. Union dues			\$	0.00	\$	0.00
d. Other (Specify):			\$	0.00	\$	0.00
			\$	0.00	\$	0.00
5. SUBTOTAL OF PAYROLL DEDI	UCTIONS		\$	0.00	\$	0.00
6. TOTAL NET MONTHLY TAKE I	HOME PAY		\$	0.00	\$	0.00
7. Regular income from operation of l	ousiness or profession or farm (Attach detailed	l statement)	\$	0.00	\$	3,000.00
8. Income from real property	•		\$	0.00	\$	0.00
9. Interest and dividends			\$	0.00	\$	0.00
	payments payable to the debtor for the debtor	's use or that of			_	2.22
dependents listed above			\$	0.00	\$	0.00
11. Social security or government ass			ф	4 470 00	ф	0.00
(Specify): Unemployment	Benefits		ş —	1,473.33 0.00	\$_ \$	0.00
12. Pension or retirement income			φ <u> </u>	0.00	ф —	0.00
13. Other monthly income			φ	0.00	Φ_	0.00
(Specify): Horse Shows (A	Amortized)		\$	0.00	\$	700.00
	me from Self-Employment (Anticipated)	\$ 	2,900.00	\$ 	0.00
		<u>, </u>	¥ <u></u>	_,,,,,,,,	<u> </u>	0.30
14. SUBTOTAL OF LINES 7 THRO	UGH 13		\$	4,373.33	\$	3,700.00
15. AVERAGE MONTHLY INCOM	E (Add amounts shown on lines 6 and 14)		\$	4,373.33	\$	3,700.00
16. COMBINED AVERAGE MONT	HLY INCOME: (Combine column totals from	line 15)		\$	8,073	.33

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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B6J (Official Form 6J) (12/07)

Christopher Neil Allen

11-33598-KRH In re Kerry Huffman Allen Case No.

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) -**MODIFIED**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	ete a separate	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,040.00
a. Are real estate taxes included? Yes No _X_		
b. Is property insurance included? Yes No X		
2. Utilities: a. Electricity and heating fuel	\$	200.00
b. Water and sewer	\$	0.00
c. Telephone	\$	0.00
d. Other See Detailed Expense Attachment	\$	150.00
3. Home maintenance (repairs and upkeep)	\$	0.00
4. Food	\$	615.00
5. Clothing	\$	50.00
6. Laundry and dry cleaning	\$	0.00
7. Medical and dental expenses	\$	35.00
8. Transportation (not including car payments)	\$	400.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)	·	
a. Homeowner's or renter's	\$	50.00
b. Life	\$	0.00
c. Health	\$	250.00
d. Auto	\$	195.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) Personal Property	\$	208.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	0.00
b. Other Trailer	\$	660.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other See Detailed Expense Attachment	\$	3,670.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		7,523.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:	_	
20. STATEMENT OF MONTHLY NET INCOME	¢	8,073.33
a. Average monthly income from Line 15 of Schedule I	\$	7,523.00
b. Average monthly expenses from Line 18 above Monthly not income (a. minus h.)	ф ———	550.33
c. Monthly net income (a. minus b.)	Ф	550.33

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 $B6J\ (Official\ Form\ 6J)\ (12/07)$

In re Kerry Huffman Allen

rry Huffman Allen Case No. 11-33598-KRH

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - MODIFIED Detailed Expense Attachment

Cable & Internet	\$ 100.00
Cell Phone	\$ 50.00
Total Other Utility Expenditures	\$ 150.00

Other Expenditures:

Haircuts and Personal Grooming	\$	50.00
Child Care Expenses/School	<u> </u>	500.00
Business Expenses: Utilities/Maintenance	<u> </u>	185.00
Business Expense: payroll	<u> </u>	400.00
Business Expense: Insurance	<u> </u>	150.00
Business Expense: Horse Feed	<u> </u>	800.00
Business Expense: Bedding	<u> </u>	190.00
Business Expense: Office/Cell	\$	295.00
Business Expense: Show clothes and cleaning	\$	100.00
Total Other Expenditures	\$ 3,	670.00

Office of the US Trustee 701 E. Broad Street Room 4304 Richmond, VA 23219

Agricredit Acceptance LLC 8001 Birchwood Court PO Box 2000 Johnston, IA 50131

Ally P.O. Box 380901 Minneapolis, MN 55438

Balzer & Associates Inc. c/o Transworld Systems PO Box 1864 Santa Rosa, CA 95402

Capital One PO Box 71083 Charlotte, NC 28272-1083

CAT Financial 100 NE Adams Peoria, IL 61629

Cavalry Portfolio Services RE: HSBC PO Box 27288 Tempe, AZ 85285-7288

Chase Attn: Bankruptcy Dept 201 N. Walnut Street Wilmington, DE 19801

Chase - BP Attn: Bankruptcy Dept 201 N. Walnut Street Wilmington, DE 19801

Chesapeake Structural Systems c/o Parrish & Lebar 5 E Franklin Street Richmond, VA 23219 Commercial Savings 170 Barks Road E Marion, OH 43302

County of Goochland Treasurer P.O. Box 188 Goochland, VA 23063

County of Hanover c/o Hanover County Atty. P.O. Box 470 Hanover, VA 23069

Fieldstone Builders, LLC 2098 Broad Street Road Maidens, VA 23102

First Capital Bank 4222 Cox Road - 2nd Floor Glen Allen, VA 23060

Glasser & Glasser Re: Ally PO Box 3400 Norfolk, VA 23514

HSBC

Attn: Bankruptcy Department PO Box 5253 Carol Stream, IL 60197

Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346

Internal Revenue Service 400 N. 8th St., Box 76 Stop Room 898 Richmond, VA 23219

Internal Revenue Service Proceedings & Insolvencies P.O. Box 21126 Philadelphia, PA 19114-0326 J. & B. Nixon, Inc. 5925 Anderson Highway Powhatan, VA 23139

Mary Ellen Huffman 4625 Three Chopt Road Hadensville, VA 23067

Northstar Location Services RE: Chase 4285 Genesee Street Cheektowaga, NY 14225-1943

PRA Receivables Management PO Box 41067 Norfolk, VA 23541

RPM RE: Sprint PO BOX 1548 Lynnwood, WA 98046-1548

Sprint Attn: Bankruptcy Dept 2001 Edmund Halley Drive Reston, VA 20191

Sunbelt Rentals PO Box 66 Hadensville, VA 23067

THD/CBSD PO Box 653000 Dallas, TX 75265-3000

Thos Somerville Co. 16155 Trade Zone Avenue Upper Marlboro, MD 20772

Union 1st Market Corporate Collection Dept. PO Box 446 Bowling Green, VA 22427-0446 Village Bank
Re: Bankruptcy
13531 Midlothian Turnpike
Midlothian, VA 23113

Virginia Horse Journal PO Box 858 Warrenton, VA 20188

Volvo Finance North America Re: Bankruptcyq 1700 Jay Ell Drive Richardson, TX 75081

WACH/STBK PO Box 29569 Henrico, VA 23242